



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TJR  
Docket No: 3709-00  
17 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 18 July 1975 at the age of 17. Your record reflects that you served a year without incident but on 3 September 1976 you were convicted by special court-martial (SPCM). However, the record does not indicate the offenses of which you were convicted. On 27 December 1976 you received nonjudicial punishment (NJP) for smoking an unknown substance aboard your ship. The punishment imposed was a \$50 forfeiture of pay and restriction for 10 days.

Your record further reflects that during the period from 25 February to 22 November 1977 you received NJP on six occasions for possession of drug paraphernalia, possession of a weapon (camel whip with an 11-1/2 inch blade), possession of medical equipment, concealing a seaman examination, absence from your appointed place of duty, dereliction in the performance of your duties, possession of marijuana, two incidents of failure to obey a lawful order, and a day of unauthorized absence (UA).

On 6 November and 18 December 1978 you received NJP for two periods of UA totalling two days, dereliction in the performance

of your duties, and using provoking language. Shortly thereafter, on 11 January 1979, you were convicted by SPCM of wrongful appropriation of a \$150 radio. You were sentenced to confinement at hard labor for four months, a \$600 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 3 July and again on 7 August 1979, while awaiting execution of the BCD, you received NJP for three days of UA, falsifying muster sheets, and two incidents of disobedience. Subsequently, the BCD was approved at all levels of review and ordered executed. On 11 October 1979 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, character reference letters, and the supporting documentation from the American Legion. The Board also considered your contentions of emotional and physical scars, alcoholism, family and personal problems, and a deprived background. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your continued misconduct, which resulted in two court-martial convictions and 11 NJPs. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director